

REMARKS

This Amendment is fully responsive to the non-final Office Action dated September 9, 2009, issued in connection with the above-identified application. Claims 1-40 are pending in the present application, but claims 8-11, 18-20 and 32-38 have been withdrawn from consideration. With this Amendment, claims 1-3, 8, 12-17, 21-23, 28-31, 39 and 40 have been amended; and claims 8-11, 18-20 and 32-38 have been canceled without prejudice or disclaimer to the subject matter therein. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

To facilitate the Examiner's reconsideration of the present application, the Applicants have provided amendments to the specification and the abstract. The changes to the specification and the abstract include minor editorial and clarifying changes. Replacement portions of the specification and a replacement abstract are enclosed. No new matter has been introduced by the amendments made to the specification and the abstract.

In the Office Action, the Examiner objects to the specification. Specifically, the Examiner indicates that the present title is not descriptive and a new title is required. The Applicants have amended the title to more clearly describe the present invention, as claimed. Withdrawal of the objection to the specification is respectfully requested.

In the Office Action, claims 16, 17, 30 and 40 have been rejected under 35 U.S.C. 101 for being directed to non-statutory subject matter. Specifically, the Examiner indicates that claims 16, 17, 30 and 40 are directed to computer programs *per se*, which are non-statutory. In contrast, the Examiner indicates that a computer program stored on a "computer-readable medium" defines structural and functional interrelations between a computer program and the medium which would permit the computer program's functionality to be realized, and thus would be statutory. Accordingly, the Applicants have amended claims 16, 17, 30 and 40 to indicate that the programs are stored "on a computer-readable recording medium," as suggested by the Examiner. Withdrawal of the rejection under 35 U.S.C. 101 is respectfully requested.

In the Office Action, claims 12-17, 21-31, 39 and 40 have been rejected under 35 U.S.C. §102(b) as being anticipated by Morito (U.S. Patent No. 6,782,190 hereinafter "Morito"); and claims 1-7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Morito in view of Miller (U.S. Patent No. 7,149,754). The Applicants have amended independent claims

1, 12-17, 21, 22, 29-31, 39 and 40 to more clearly distinguish the present invention from the cited prior art. As amended, independent claim 1 recites the following features:

“[a]n aggregation system comprising an aggregation apparatus, a first reproduction apparatus and a second reproduction apparatus,

wherein said aggregation apparatus includes:

a first obtainment unit operable to obtain a main content including video data and audio data from a first recording medium;

a second obtainment unit operable to obtain a sub content including either audio data or subtitle data; and

a recording unit operable to aggregate the main content and the sub content and record the aggregated contents onto a second recording medium,

said first reproduction apparatus includes:

a third obtainment unit operable to obtain the main content from the first recording medium;

a fourth obtainment unit operable to obtain reproduction control information for controlling reproduction of the main content; and

a reproduction unit operable to reproduce the main content recorded on the first recording medium, based on the reproduction control information, and

said second reproduction apparatus reproduces the main content and the sub content which are recorded on the second recording medium.” (Emphasis added).

The features emphasized above in independent claim 1 are similarly recited in independent claims 12-17, 21, 22, 29-31, 39 and 40 (as amended). That is, independent claims 12-17, 21, 22, 29-31, 39 and 40 have been amended to point out that a main content includes video data and audio data from a first recording medium; and a sub content includes either audio data or subtitle data. Additionally, the feature emphasized above in independent claim 1 (and similarly recited in independent claims 12-17, 21, 22, 29-31, 39 and 40) are fully supported by the Applicants’ disclosure.

The present invention (as recited in independent claims 1, 12-17, 21, 22, 29-31, 39 and 40) is distinguishable from the cited prior art in that the aggregation system (methods and programs) in accordance with the present invention is characterized by (i) aggregating contents

recorded on a plurality of recording mediums (ii) recording them on another recording medium while protecting the copyrights of the contents, and (iii) reproducing the aggregated contents.

In the Office Action, the Examiner relies on Morito as well as the combination of Morito and Miller for disclosing or suggesting all the features recited in independent claims 1, 12-17, 21, 22, 29-31, 39 and 40. However, the Applicants assert that the Morito and Miller, individually or in combination, fail to disclose or suggest the features now recited in 1, 12-17, 21, 22, 29-31, 39 and 40, as amended.

Morito discloses a copy protection apparatus that checks whether or not a disk to-be-played back is either an original disk or an authorized copy, and, if not, prevents play-back and recording of the data of the disk. Although Morito is directed to copyright protection, the reference fails to disclose or suggest an intention to aggregate contents, or record or reproduce aggregated contents.

Thus, Morito is clearly different from the present invention (as recited in independent claims 1, 12-17, 21, 22, 29-31, 39 and 40) for at least the reasons noted below. The copy protection apparatus disclosed in Morito fails to describe “sub content,” and fails to include “a second obtainment unit (or steps) operable to obtain a sub content.”

In the Office Action, the Examiner alleges that the copy control information disclosed in Morito is equivalent to the “sub content” of the present invention (as recited in independent claims 1, 12-17, 21, 22, 29-31, 39 and 40). However, the copy control information disclosed in Morito is implemented for checking whether or not a DVD disk is an original disk or an authorized copy, and, thus, is more accurately equivalent to the “reproduction control information” of the present invention. Thus, the copy control information disclosed in Morito is completely different from the claimed sub content, such as audio data. In fact, no “sub content” is used in the copy protection apparatus disclosed in Morito.

Accordingly, the copy protection apparatus disclosed in Morito fails to disclose or suggest at least the following features of the present invention (as recited respectively in independent claims 1, 12-17, 21, 22, 29-31, 39 and 40).

- 1) a recording unit (or step) that aggregates the main content and the sub content and records the aggregated contents onto a second recording medium (recited respectively in independent claims 1, 12, 14, 16, 21, 22, 29, 30 and 31);

- 2) a changing unit (or step) that changes the reproduction control information in the case where the main content and the sub content are recorded onto the second recording medium (recited respectively in independent claims 12, 14 and 16); and
- 3) a reproduction apparatus (or step) that reproduces the main content and the sub content (recited respectively in independent claims 1, 13, 15, 17, 21, 31, 39 and 40).

In the Office Action, the Examiner relies on Miller for disclosing or suggesting a reproduction apparatus or step of the present invention. Accordingly, Miller fails to overcome the deficiencies noted above in Morito at least with regard to disclosing or suggesting the recording unit (or step) and changing unit (or step) of the present invention noted above in items 1) and 2).

Moreover, Miller discloses a method and system for loading information onto a computer in the form of a digital capsule containing information regarding, for example, products for sale. As described in Miller, the capsule can be exchanged between computers. In the Office Action, the Examiner relies on col. 19, lines 51-64 for of Miller for disclosing or suggesting a reproduction apparatus (or step).

In Miller, col. 19, lines 51-64 merely disclose that an encapsulated media file may be authenticated by the capsule administrator by comparing it with a copy of itself stored by the capsule administrator, and the original capsule data and original media file may be separated from the encapsulated media file.

However, Miller fails to disclose or suggest a reproduction apparatus (or step) that reproduces the main content and sub content, as noted above in item 3). In fact, similar to Morito, no “sub content” is used by the method and system disclosed in Miller.

Based on the above discussion, Morito and Miller, individually or in combination, fail to disclose or suggest all the features recited in independent claims 1, 12-17, 21, 22, 29-31, 39 and 40 (as amended). Additionally, Morito and Miller, individually or in combination, fail to disclose or suggest all the features recited in claims 2-7 and 23-28 at least by virtue of their respective dependencies from independent claims 1 and 22.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue.

The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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